

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.17717 of 2006

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Dated:28.08.2006

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Between:

-
K.P.Premalata

...Petitioners

and

The District Collector and others.

...Respondents

THE HON'BLE MR JUSTICE V.V.S.RAO

WRIT PETITION No.17717 of 2006

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ORDER:

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The petitioner is a resident of Bellampally in Adilabad District. She is statedly engaged mainly in cultivating the land and rearing three buffaloes for the purpose of selling milk in the area. She alleges that on 08.02.2006 her three buffaloes died due to electrocution by coming in contact with 11 K.V. wire of Transmission Corporation of Andhra Pradesh (A.P.Transco). Therefore, she submitted a representation to the Village Secretary on 09.02.2006 and also sent representation on 07.07.2006 to the first and second respondents and also to the third respondent on 25.02.2006, in vain. Therefore, she filed the present Writ Petition seeking a direction to the respondents to consider the representations made by her on 07.07.2006 and 25.02.2006.

Learned Counsel for the petitioner placed reliance on Section 161 of the Electricity Act, 2003 (Central Act No.36 of 2003) (for short 'the Act'), in support of the contention that there is a duty cast on the respondents to conduct enquiry when there is loss of life or property

due to electrocution. The said provision reads as under.

161. Notice of accidents and inquiries:-

(1) If any accident occurs in connection with the generation, transmission, distribution, supply or use of electricity in or in connection with, any part of the electric lines or electrical plant of any person and the accident results or is likely to have resulted in loss of human or animal life or in any injury to a human being or an animal, such person shall give notice of the occurrence and of any such loss or injury actually caused by the accident, in such form and within such time as may be prescribed, to the Electrical Inspector or such other person as aforesaid and to such other authorities as the Appropriate Government may by general or special order, direct.

(2) The Appropriate Government may, if it thinks fit, require any Electrical Inspector, or any other person appointed by it in this behalf, to inquire and report -

(a) as to the cause of any accident affecting the safety of the public, which may have been occasioned by or in connection with, the generation, transmission, distribution, supply or use of electricity, or

(b) as to the manner in, and extent to, which the provisions of this Act or rules and regulations made thereunder or of any licence, so far as those provisions affect the safety of any person, have been complied with.

(3) Every Electrical Inspector or other person holding an inquiry under sub-section (2) shall have all the powers of a civil court under the Code of Civil Procedure, 1908 (5 of 1908) for the purpose of enforcing the attendance of witnesses and compelling the production of documents and material objects, and every person required by an Electrical Inspector be legally bound to do so within the meaning of Section 176 of the Indian Penal Code (45 of 1860).

A perusal of the above provision would show that whenever there is an accident in connection with, *inter alia*, transmission of electricity resulting in the loss of human or animal life or an injury to a human being or an animal, the person who incurred loss shall have to give a notice of such occurrence to the Electrical Inspector and/or to other authority as prescribed by the Appropriate Government^[1]. Then the Appropriate Government may require the Electrical Inspector to enquire into the matter and submit a report. In this case, no such

application is placed before this Court, which is made to the Electrical Inspector as appointed by the State Government under Section 2(21) of the Act. Therefore, the petitioner is given liberty to make a representation to the concerned Electrical Inspector appointed by the State Government regarding the death of her buffaloes.

The Writ Petition, with the above observations and directions, is accordingly disposed of. No costs.

(V.V.S.RAO, J)

28.08.2006

vs

^[1] Appropriate Government as defined in Section 2(5) of the Electricity Act, 2003, means State Government having jurisdiction under the Act.